

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION  
Case No.: 3:18-cv-00071-NKM-JCH

ATLANTIC COAST PIPELINE, LLC,

*Plaintiff,*

v.

10.61 ACRES, MORE OR LESS,  
IN LOVINGSTON DISTRICT, NELSON  
COUNTY, VIRGINIA, *et al.*,

*Defendants.*

**NOTICE OF ATTORNEY’S CHARGING LIEN**

PLEASE TAKE NOTICE that Charles M. Lollar, Charles M. Lollar Jr. and Lollar Law PLLC (collectively, “Lollar Law”) asserts an attorney’s lien based upon legal services performed and costs incurred by Lollar Law in connection with the representation of Defendant Nelson County Creekside LLC (“Defendant”) in this action. Such lien attaches under federal law and this jurisdiction’s rule that a charging lien arises under Va. Code §§ 54.1-3932 when the claim is based on a written contract, specifically an engagement agreement, and quantum meruit, even if the attorney seeks recovery for his services “in the early stage of the claim and litigation.” *Spahn v. Unites States*, 92 F. Supp. 992 (E.D. Va., 1950); *see also Michigan Mut. Ins. Co. v. Smoot*, 128 F.Supp.2d 917 (E.D. Va., 2000) (“An attorney is entitled to the fees and costs that he negotiates with his client”); *In re Outsidewall Tire Litigation*, 52 F.Supp.3d 777 (2014); *U.S. v. Hudson*, 39 F. Supp. 797 (1941).

The charging lien arises for the following reasons:

1. Lollar Law acted as counsel of record for Defendant from June 21, 2016 up until August 8, 2018 in connection with Atlantic Coastal Pipeline's ("ACP's") acquisition of Easements on Defendant's property.
2. Defendant and Lollar Law entered into written engagement agreement the terms of which expressly set forth Lollar Law's fee structure and scope of engagement as follows:

This letter will describe the terms of your engagement of Lollar Law PLLC. Our fee for representing you in negotiations to acquire the subject easement from you voluntarily *or* if and when a Certificate is granted by FERC and ACP seeks to encumber your] properties with an easement either voluntarily or using the power of eminent domain shall be contingent fee equal to one-third (33 1/1%) of any recovery obtained above any initial written offer.

3. Relying upon the Engagement Agreement, Lollar Law invested significant time and resources into negotiating the terms of the Easements sought by ACP on Defendant's property and negotiating reasonable compensation prior to ACP's filing of the condemnation proceeding.

Dated: June 29, 2019

Respectfully submitted,

By: /s/ Charles M. Lollar —  
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**Certificate of Service**

I hereby certify that on June 29, 2019, I electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record, including the following:

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